

REMARKS

The present invention relates to particular plant promoters. The current amendment presents claims relating to plant promoters comprising a minimal promoter comprising a TATA box and initiation site, transcription-activating elements from a first promoter, the first promoter being a ferredoxin promoter. The instant plant promoter further comprises transcription activating elements from a second promoter, the second promoter being a RoID promoter.

The previous amendment cancelled claims 2 and 9-14, and amended claims 1, 3-8 and 15. The present amendment cancels claims 3-8, 15, and 16-21, amends claim number 1, and presents new claims 16-22. Claim 1 is based on a combination of previous claim 1 (in part) and claim 4. Claims 22-25 correspond to previous claims 5-8 respectively. Claim 26 corresponds to previous claim 15. Claims 27 and 28 correspond to previous claims 19 and 20.

The amended independent claim recites that the promoter comprises a minimal promoter comprising a TATA box and initiation site, transcription-activating elements from a first promoter, (being a ferredoxin promoter) and transcription-activating elements from a second promoter (being a RoID promoter). The amended claim no longer recites the terms “complementary expression pattern” or “at least 1% in all plant parts where they overlap” that the Examiner found to be objectionable.

Applicants state that this claim does not add any new matter as the previous limitations within claim 1 (and claim 3) – are characteristics of the ferredoxin promoter and RoID promoter transcription-activating elements.

The dependent claims are all based on previous claims and only the claim dependency numbering has been corrected to be in line with the amended claims.

Applicants believe that, in the light of the Examiner’s comments in the Office Action, this independent claim and all claims depending therefrom should be free from all grounds for

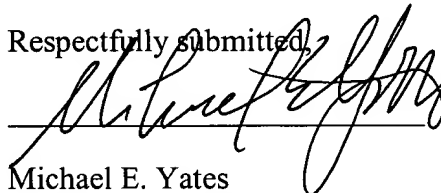
objection and/or rejection set forth in the outstanding Office Action, and we trust that the application will now proceed to issue.

V. Conclusion

In view of the foregoing remarks, Applicants respectfully submit that this application is now in condition for allowance. If a telephone interview would advance prosecution of the application, the Examiner is invited to call the undersigned at the number listed below.

Applicants believe no fees are due in connection with this Response. However, if there are any other fees due in connection with the filing of the response, please charge the fees to Deposit Account 50-1744. Also, please charge any fees underpaid or credit any fees overpaid to the same Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael E. Yates", is written over a horizontal line.

Michael E. Yates
Attorney for Applicants
Registration No. 36,063

SYNGENTA BIOTECHNOLGY, INC.
3054 Cornwallis Road
Research Triangle Park, North Carolina 27709
Tel: (919) 541-8587
Fax: (919) 541-8689
Date: February 1, 2005